



New Jersey Department of Children and Families Policy Manual

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SUBJECT: Participation and Attendance at School by Individuals with Human Immunodeficiency Virus (HIV) Infection or Acquired Immune Deficiency Syndrome (AIDS)

EFFECTIVE DATE: March 31, 1997

REVISED: May 20, 2008

A. OBJECTIVE

To establish procedures which protect confidentiality and enable individuals with HIV/AIDS to attend and participate in Department of Children and Families (DCF) and Department of Human Services (DHS) State facility education programs.

B. STANDARDS

1. Pursuant to NJAC 8:61-2.1, students who have HIV infection or AIDS or who live with or are related to someone with HIV or AIDS shall not, solely for the reason of HIV infection:
 - a. be excluded from attending a DCF or DHS State facility education program;
 - b. be precluded from participating in transportation services, extra-curricular activities and athletic activities;
 - c. be assigned to separate services, such as home instruction; or
 - d. be classified for special education.

2. Exclusion of students with HIV infection or AIDS shall occur only for reasons that would lead to the exclusion of students not infected with HIV or AIDS.
3. Individuals with HIV infection or AIDS shall not be restricted from their normal employment for reason of the HIV infection or AIDS, unless the person has another illness that would restrict employment.
4. Students, their parents/guardians and employees are not required to inform school personnel regarding their HIV/AIDS status.
5. If the Education Supervisor (ES) or any other school staff person receives, has knowledge of or has access to information that identifies a student or employee as having HIV infection or AIDS, the records or information concerning the HIV or AIDS status of that individual shall be kept confidential as required by N.J.S.A. 26:5C-5 et seq.
 - a. HIV and AIDS related information is confidential regardless of the source. This includes information obtained directly from the student/employee, his or her family, and/or from any other source, as well as any information observed, written and/or electronically communicated.
6. Information that identifies a student as having HIV infection or AIDS shall only be shared with the informed written consent of the adult student, as appropriate, or the student's parent or guardian.
 - a. The consent form should specify the approved reasons for the disclosure, the type of information to be disclosed, the specific individuals to be informed by name and by title, and the date on which the consent expires which generally should not exceed one year.
 - b. Even with such consent, information shall only be shared for the purpose of determining and establishing an appropriate educational program for the student.
 - c. When such protected records are sent with informed written consent to a school district, for example, they should be packaged separately and marked confidential.
7. Student education records that document the delivery of services that are likely to identify a student as having HIV infection or AIDS shall be maintained in a locked cabinet separate from the general school health records and shall be accessible only to school health staff, such as the school's nurse, with specific clearance for this access necessary to their duties.
 - a. Such information should never be documented on health forms that are used for other purposes.

- b. The existence of special health records can be denoted in the individual student health record through the use of a code such as SR for “special record.”
- 8. All individuals who work in or who provide contracted educational services for a DCF or DHS State facility education program, including but not limited to full and part-time staff, independent contractors, consultants, hourly employees, interns and volunteers, are bound by the confidentiality provisions of this policy.
 - a. All individuals identified above are required to review this policy, understand its requirements and follow these procedures.
 - b. Additionally, on an annual basis, all staff shall receive training regarding the confidential aspects of this policy.
 - c. Unauthorized disclosure of HIV and AIDS related information by an OOE employee may lead to individual disciplinary action.

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Director

Note: This is a reproduction of a signed document. The original document is on file with the DCF Office of Education.